

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
June 26, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 10:10 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: none

Legal Staff Present: - James Bransky-General Counsel

Staff Present: Michele LaCount, Executive Assistant, Albert Colby, Jr.-Tribal Administrator, John Espinosa-Victories General Manager, Rachel Schwarz-Environmental Services Director, Heidi Yapple-Grant Writer, Barry Crowell-Controller, Regina Gasco-Environmental Assistant

Commission, Boards and Committees: Denise Petoskey-Election Board Chairperson, Judy Pierzynowski-Gaming Board of Directors Vice-Chairperson, Deleta Gasco Smith-Health Commission Chairperson

Guests: Dollie Keway, Carol McFall, Mel Kiogima, Sr., Barry Laughlin, Kevin Kane, Rita Shepard, Harvey Gibson, Regina Kiogima, Andrew Stich, James Gasco, Mkoohns Gasco, Valerie Biro, Shirley Oldman

Opening Ceremony: Beatrice A. Law

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adopt the agenda for June 26, 2005 in honor of U.S. Army Veteran Waabska Migizii, Albert Colby, Sr.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes for June 5, 2005 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to accept the Treasurer's verbal and written report as presented by Alice Yellowbank, Tribal Council Treasurer.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the scope of the Victories II project to include a casino and hotel as well as food venues, conference center, parking facilities and a special events center at a cost not to exceed \$197,437,500 including the land acquisition in November of 2001, and to present the financing and construction services contracts to Tribal Council for it's final approval.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to accept the verbal and written report as presented by Tribal Administrator Albert Colby Jr., for June 26, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve funding for the Taimi Lynne Hoag Nature Preserve as presented by the Environmental Services Director Rachel Schwarz with funding not to exceed \$4,000 with funding to come from Cultural Activities line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

11:05 a.m. Recess called.

11:21 a.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Chairman Frank Ettawageshik's verbal and written report for June 26, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

11:46 a.m. Public comment, Andrew Stich, Marty Van De Car

11:50 p.m. Public Comment closed

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law that Little Traverse Bay Bands of Odawa Indians supports the Chippewa Ottawa Resource Authority endorsement of the joint strategic plan for management of Great Lakes fisheries.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Beatrice A. Law to direct the Tribal Chairman to implement an immediate interim process for conducting health and safety inspections of all governmental operations, food

service facilities and enterprises that are within the Tribe's jurisdiction, authority for this process shall expire December 31, 2005, further direct the Tribal Chairman to develop a permanent process for Tribal Council approval, further both processes shall include reporting mechanisms that will satisfy the Indian Gaming Regulatory Act's health and safety inspection requirements.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to appoint the Gaming Regulatory Interim Director to attend all Victories II work group meetings.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

12:06 p.m. Lunch recess called

2:04 p.m. Meeting reconvened

Motion made by Councilor Regina Gasco Bentley and supported by Secretary Dexter McNamara to accept the verbal and written report from Gaming Board of Directors as presented by Judy Pierzynowski, Vice-Chair for June 26, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion Carried

2:13 p.m. Councilor Fred Harrington, Jr. arrives

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to authorize Councilor Fred Harrington, Jr., to attend the Ad Hoc Committee meetings for Tribal MICS and authorize stipend and mileage.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

2:27 p.m. Councilor Rita Shananaquet leaves

2:29 p.m. Councilor Rita Shananaquet returns

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the 2006 Little Traverse Bay Bands of Odawa Indians governmental operations budgets for the following; Legislative Branch, \$674,558; Judicial Branch in the amount of \$901,332; the Election Board in the amount of \$65,000; and the Executive Branch in the amount of \$24,957,820 for a total of \$26,598,710 in accordance with departmental totals agreed upon by Tribal Council work session held June 4, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to join the National Tribal Gaming Regulators and Commissioners group, cost of \$500 to come from Tribal Council Dues line item,

the Gaming Regulatory Commission shall submit the application and assign the primary and alternate delegates.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

2:40 p.m. Recess called

2:51 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the written and verbal report from the Election Board as presented by Denise Petoskey, Chairperson for June 26, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to appoint Su Lantz to the Housing Commission to fill the remainder of the vacant term ending on September 21, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to appoint Michael Lyons to the Housing Commission to fill the vacancy for the term expiring September 21, 2006.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to accept the verbal report on the status of the new Health Park from the Health Commission, Chairperson Deleta Gasco Smith.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adopt Resolution #062605-01 Self-Monitoring Policy for the Native American Housing Assistance and Self Determination Act.

Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara -yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr. -yes, Councilor Regina Gasco Bentley -yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #062605-02 United States Department of the Interior Bureau of Indian Affairs Modification to Contract Number CTF60T47719 Request for Mature Contract Status.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara -yes,

Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #062605-03 Request for funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Administration for Native Americans, Little Traverse Bay Bands of Odawa Indians Improving Child Well-Being by Fostering Healthy Marriages
Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara -yes, Councilor Rita Shananaquet -yes, Councilor Fred Harrington, Jr. -yes, Councilor Regina Gasco Bentley -yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #062605-04 Approval for Mutually Agreed Upon Contract with Inter-Tribal Council of Michigan, Inc. for funding from: Michigan Department of Community Health, Michigan State Office of Public Health Preparedness, Public Health/Emergency Preparedness – Michigan Tribes: Little Traverse Bay Bands of Odawa Indians - Emergency Preparedness Program.
Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara -yes, Councilor Rita Shananaquet -yes, Councilor Fred Harrington, Jr. -yes, Regina Gasco Bentley -yes
Motion Carried

3:34 p.m. Councilor Rita Shananaquet leaves
3:36 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #062605-05 U.S. Department of Health and Human Services, Administration for Children and Families, Funding for Tribes under Title IV-B, Subpart 1, of the Social Security Act, Little Traverse Bay Bands of Odawa Indians FY 2006 Title IV-B Child Welfare Services Allotment.
Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet -yes, Councilor Fred Harrington, Jr. -yes, Councilor Regina Gasco Bentley -yes
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to adopt Resolution #062605-06 Request for funding from the U.S. Department of Health and Human Services, Center for Disease Control and Prevention, Little Traverse Bay Bands of Odawa Indians Health Promotion and Diabetes Prevention Project.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley –yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #062605-07 Request for funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, Little Traverse Bay Bands of Odawa Indians Community-Based Child Abuse Prevention Project.

Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara -yes, Councilor Rita Shananaquet -yes, Councilor Fred Harrington, Jr. -yes, Councilor Regina Gasco Bentley -yes
Motion Carried

3:55 p.m. recess called

4:40 p.m. meeting reconvened

4:40 p.m. Public Comment opened, Shirley Oldman, Denise Petoskey

4:44 p.m. Public Comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to enact Waganakising Odawak Statute, Welfare of Adults, sponsored by Fred Harrington, Jr.

5:05 p.m. Councilor Rita Shananaquet leaves

5:07 p.m. Councilor Rita Shananaquet returns

5:47 recess called

6:00 p.m. Meeting reconvened

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to approve Burial Request #A0107 in the amount of \$8,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara for Tribal Council to attend the Tribal/State Forum in Mt. Pleasant on July 14, 2005 and for Vice-Chairperson Beatrice A. Law to attend the Tribal State Tax Summit in Lansing on July 21, 2005 to include mileage, stipend and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to authorize stipend, mileage, lodging and per diem for Tribal Council who attended the July 11, 2005 work session for Victories II.

Motion Carried

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #062605-08 Honoring the Pro Bono Work of Shearman & Sterling LLC.

Roll Call: Tribal Chairman Frank Ettawageshik -yes, Vice-Chairperson Beatrice A. Law -yes, Treasurer Alice Yellowbank -yes, Secretary Dexter McNamara -yes, Councilor Rita Shananaquet -yes, Councilor Fred Harrington, Jr. -yes, Councilor Regina Gasco Bentley -yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Legal Departments verbal and written report as presented by James Bransky, Tribal Legal Counsel for June 26, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank that following closing on Parcel #9, the Chairman is authorized to negotiate a replacement to the reverter interest the Tribe acquires in the adjoining parcel consistent with the draft document dated June 23, 2005 entitled CONVERSION OF REVERTER CLAUSE TO DEED RESTRICTION, and the Tribal Chairman and Treasurer are authorized to execute the new document by and on behalf of the Little Traverse Bay Bands of Odawa Indians.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

6:42 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date